IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

UNITED STATES OF AMERICA,)	
Plaintiff,)	NO. 3:10-CR-00260
v.)	Judge Haynes
BASHIR YASIN MOHAMUD, et al.)	
Defendants.)	

ORDER

Before the Court is the United States's motion to reconsider (Docket Entry No. 1582) the Order granting a severance pursuant to Fed. Crim. P 8(a) of Counts 15, 16, 17, 18, 19, 20, and 22 through 24 from the March 20, 2012 trial of this action and pursuant to Fed. R. Crim. P. 14, the severance of the charges against Defendants Bashir Yasin Mohamud and Mustafa Ahmed from the March 20, 2012 trial of this action. (Docket Entry No. 1395). The United States contends in sum, that the Court has created two classes of sex trafficking for minors and adults. The United States argues that the Court's Order also suppresses some proof of sex trafficking as to all Defendants to its prejudice. To assist the Court, the Government sets forth the elements of these offenses.

The offenses in Counts One and Two are of the same or similar character that joinder would be proper under Rule 8. Yet, the Order severing Defendants Bashir Yasin Mohamud and Mustafa Ahmed Mohamed was under Fed. R. Crim. P. 14 that requires severance where trying a defendant with others would be unduly prejudicial. The Court concluded that these two Defendants, who are charged only with sex trafficking of an adult, would be prejudiced by a joint

trial with the other Defendants who are also charged with sex trafficking of minors.

The Order does not exclude any proof of the sex trafficking against any Defendant who is charged with the sex trafficking of minors and an adult, as reflected in the Court's Memorandum, (Docket Entry No. 1394 at 19). The Order does not impact in any manner the elements of the proof. The Order at issue is based upon a factual finding of prejudice.

For these reasons, the United States's motion to reconsider (Docket Entry No. 1582) is respectfully **DENIED**.

It is so **ORDERED**.

ENTERED this the 25 day of February, 2012.

United States District Judge